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| Applicants: | Hann-Hwan Ju; Ashok Krishnamurthi; Ross Heitkamp; Antony Chatzgianis; Ken Kuwabara | Confirmation No. | 2372 |
| Serial No.: | 09/851,363 | Customer No.: | 28863 |
| Filed: | May 8, 2001 | Examiner: | Karen C. Tang |
| Docket No.: | 1014-012US01/JNP-0109 | Group Art Unit: | 2151 |
| Title: | <u>SINGLE BOARD ROUTING ARRANGEMENT</u> | | |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request a Pre-Appeal Brief Request for Review, based on factual error with the Examiner's *prima facie* case of obviousness of the independent claims under 35 U.S.C. § 103. As outlined in greater detail below, the applied references fail to disclose at least one claimed element. For this reason, the obviousness rejections under 35 U.S.C. § 103 are improper and must be reversed.

Applicants also encourage the Examiner to review this Pre-Appeal Brief Request for Review, as the Examiner has yet to even confront the issue that is being presented. Applicants have presented arguments to the Examiner on this same issue several times, yet the Examiner has failed to address the issue and has instead cited new secondary references (for features unrelated to the feature addressed below) in order to avoid confronting the deficiency of the primary Wilford reference (USPN 6,687,247) addressed below. Furthermore, in the most recent Advisory Action, the Examiner again failed to address the issue below.

For purposes of this Pre-Appeal Brief Request for Review, Applicants have focused the arguments below on one clear error that applies to all pending independent claims. By setting

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forth this clear ground of error, Applicants do not assert that this is the only error that the Examiner has made, nor do Applicants waive any arguments that may be asserted in an Appeal Brief.

All pending independent claims concern routers that route packets over a network. The various claims are directed to routing devices, routers, routing arrangements, and various methods in which particular components of the devices, routers, routing arrangements are integrated into a single module.

According to all pending claims, the router, device or arrangement is configured with interface cards (or interface modules) that communicate packets over the network. In addition, according to all pending claims, the router, device or arrangement is required to include a router module (or route lookup circuit).

As required by Applicants' claims, the router module (or route lookup circuit) must perform route lookups for packets received from at least two different interface cards. In many of the claims, the router module includes a packet forwarding engine that performs the route lookups for packets received from different interface cards.

This feature is clearly lacking from the applied references. All pending claims are improper insofar as the cited prior art fails to disclose or suggest any type of module, circuit, engine or element that performs route lookups for packets received from at least two different interface cards. Applicants have made this argument on several occasions, but the Examiner has yet to confront this issue.

On this particular issue, the Examiner's stated position is that a router module (or route lookup circuit) that performs route lookups for packets received from at least two different interface cards is disclosed in Wilford, which is the primary reference applied against Applicants' claims. The Examiner emphasized this position in the recent Advisory Action. The Examiner's position, however, is factually incorrect.

Wilford fails to disclose or suggest a router module (or route lookup circuit) that performs route lookups for packets received from at least two different interface cards. Instead, Wilford specifically incorporates a routing circuit into each respective line card for performing local route lookups only for packets received by that particular line card. Nothing in Wilford suggests any element that performs route lookups for packets received from at least two different interface

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cards. Moreover, none of the other references overcome this deficiency of Wilford with respect to Applicants' claims.

In the Final Office Action, the Examiner cited the Wilford reference with a new secondary reference, and stated that Applicants' arguments were moot in view of the new grounds of rejection. In particular, in the final Office Action, the Examiner once again relied upon Wilford for many of the same erroneous conclusions advanced in previous Office Actions. The Examiner cited Akahane (US 2006/0126644) instead of the formerly cited Merrel reference (USPN 6,553,408) as teaching "removable" interface cards, and cited the Zadikian reference (USPN 6,724,757) as teaching a redundant router configuration. However, all pending rejections remained improper insofar as the Examiner was still clearly citing Wilford for features that were lacking from this reference.

Applicants filed an After-Final Response, explaining again that Wilford does not disclose or suggest packet forwarding engine that performs route lookups for packets received from at least two different interface cards. The Examiner appeared to confront Applicants' arguments in the final paragraph of the Advisory Action. Specifically, in response to Applicants' arguments, in the Advisory Action, the Examiner added that "Wilford does teach the packets received from the at least two interface cards by way of the interface card concentrator module." The Examiner cited passages of Wilford that purportedly support the Examiner's assertion.

Unfortunately, the Examiner's comments in the Advisory Action do not even address Applicants' arguments, nor the clear deficiency of Wilford discussed above, which have been explained on many occasions on the prosecution record. In particular, the Examiner has still failed to identify anything in Wilford that teaches an element that performs route lookups for packets received from at least two different interface cards.

To be clear, in the Advisory Action the Examiner's response argues that Wilford teaches receiving data from two different interface cards. Although this may be true, this is not the issue and does not address Applicants' arguments. The issue is whether Wilford that teaches any element that performs route lookups for packets received from at least two different interface cards. Wilford lacks any suggestion of this feature. Directly to the contrary, the Wilford router uses a routing circuit in each line card to perform local route lookups only for packets received from the network by that particular line card. After performing route lookups, the line card may

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send the packet to other line cards for output to the network. The receiving line card, however, does not perform any route lookup but, rather, merely transmits the packet on the network. Thus, each line card of the Wilford reference only performs route lookups for packets that it has directly received from the network. Nothing in Wilford, even in view of the other references, suggests any element that performs route lookups for packets received from at least two different interface cards. The Examiner's statement that Wilford teaches receiving data from different interface cards is irrelevant to this issue and her reliance on Wilford is clear factual error.

Applicants request a review and a panel decision that promptly resolves the issue presented above in Applicants favor and eliminates the need for an Appellate Brief at this time. Again, Applicants have attempted to explain this issue to the Examiner on several occasions, but the Examiner has failed to address the issue, and has cited new secondary references (for features unrelated to the specific feature addressed above) in order to avoid confronting the deficiency of Wilford. Also, as explained above, in the most recent Advisory Action, the Examiner again failed to address the issue that her rejection is erroneously premised on Wilford teaching an element that performs route lookups for packets received from at least two different interface cards. This feature is simply lacking from Wilford, and the claim rejections cannot stand since Wilford lacks any teaching of this feature.

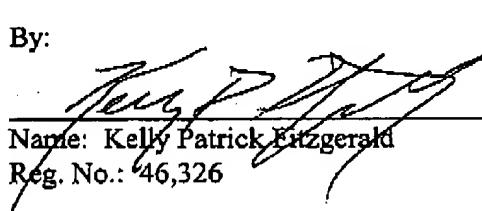
Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney.

Date:

December 8, 2006

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